

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHALAY ANN SIMMONS and
FRANKIE JAMAL WHITE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHELLEY ANN LARKIN,

Respondent-Appellant.

UNPUBLISHED

July 14, 2000

No. 220124

Wayne Circuit Court

Family Division

LC No. 92-297629

Before: O'Connell, P.J., and Kelly and Whitbeck, JJ.

PER CURIAM.

Respondent, Shelley Ann Larkin, appeals as of right the family court's order terminating her parental rights to her children Shalay Ann Simmons (born December 2, 1994) and Frankie Jamal White (born June 12, 1996), under MCL 712A.19b(3)(c)(i), (3)(g) and (3)(i); MSA 27.3178(598.19b)(3)(c)(i), (3)(g) and (3)(i).¹ We affirm.

The family court's decision regarding termination of parental rights is reviewed in its entirety for clear error. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Under Michigan law, a court must terminate parental rights if the court finds clear and convincing evidence that one or

¹ Frank Simmons is the father of Shalay Ann Simmons. The court terminated his parental rights under MCL 712A.19b(3)(i) and (3)(c)(i); MSA 27.3178(598.19b)(3)(a)(i) and (3)(c)(i). He filed a delayed application for leave to appeal the termination of his parental rights (Docket No. 222538), which was consolidated with this appeal, disconsolidated and then involuntarily dismissed. A motion for rehearing of that decision was pending as of May 31, 2000.

Frank White, the putative father of Frankie Jamal White, has not appealed the court's decision terminating his parental rights under MCL 712A.19b.(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii).

more enumerated statutory grounds for termination exist, MCL 712A.19b(3); MSA 27.3178(598.19b)(3), unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re SD*, 236 Mich App 240, 246; 599 NW2d 772 (1999). Termination of a parent's rights need be supported by only a single statutory ground. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

Respondent first became involved with the Family Independent Agency (“FIA”) in January, 1992, when the agency filed a petition alleging neglect and physical abuse of two of respondent’s other children, Frank Simmons, Jr. and Michele Pat Larkins. Frank had been taken to Children’s hospital by respondent and the boy’s father, Frank Simmons, who lived with respondent but did not provide any support. The parents had no explanation for Frank’s injuries, which included a skull fracture, a broken rib, a broken tibia and a broken leg. The family court granted FIA’s petition to terminate parental rights to Frank and Michelle on May 10, 1995.

In November 1997, the FIA filed another petition alleging neglect of Shalay and Frankie prompted by respondent’s failure to provide for Frankie’s medical needs. Specifically, he was determined to be globally developmentally delayed in the areas of gross motor, fine motor, social adaptation and language skills. His right eye was turning in, he had a lesion on his abdomen, and skin pigmentation concerns. Further, he was determined to be underweight due to insufficient caloric intake. Follow-up medical appointments were scheduled but not kept. The children were made temporary wards of the court and a Parent/Agency Agreement was installed.

Respondent suffers from schizoaffective disorder, which consists of a thought and a mood disorder best treated with both psychotherapy and appropriate medication.² Respondent was hospitalized for psychiatric care in April and May, 1998. Upon her release, she was prescribed psychotropic medication. She failed to follow up at a community mental health center as an outpatient and discontinued taking her prescription medication in June, 1998. Respondent testified that the medication helped her function, but that when she was depressed she “closed herself in” and stopped going to the clinic. Patients suffering from schizoaffective disorder often refuse to take medication because of an irrational fear or paranoia.³

Respondent failed to visit the children from July 9, 1998 through January 19, 1999, despite being provided with bus tickets for transportation. She testified that she did not visit because she was in a state of depression caused by not taking her medication. She did not attend parenting classes and failed to attend the Clinic for Child Study. Respondent also failed to secure suitable housing and was living in a one-bedroom apartment at the time of trial. Her sole source of income was supplemental security income based on her poor mental health. She testified that “all the other allegations regarding [Frankie’s malnutrition] was made up by protective services without [her] knowledge” and that, contrary to the testimony of Dr. Mary-Anne Schuur, she was unaware of it until the children were

² *Schizoaffective Disorder Treatment*, Mental Health Net (1996).

³ *Id.*

removed from her custody. Respondent testified, “I never abused my kids in any way, physically or mentally. The only thing that I have done wrong to my kids is neglect.”

Based on the testimony and the record, there was clear and convincing evidence supporting the termination of respondent’s parental rights. Respondent did not address the best interests prong of the termination decision at trial, see MCL 712A.19b(5); MSA 27.3178(598.19b)(5), and simply states on appeal that “the best interest of the children was not met.” No basis for vacating the family court’s decision to terminate in this regard is apparent from the record.

Affirmed.

/s/ Peter D. O’Connell

/s/ Michael J. Kelly

/s/ William C. Whitbeck